

REMARKS/ARGUMENTS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-41 are pending in the present application. Claims 16-29 and 37-41 are withdrawn from consideration. Claims 1, 7, and 30 are amended. Claims 1 and 30 are independent claims currently under consideration. The Examiner is respectfully requested to reconsider the outstanding rejections in view of the Amendments and the following Remarks.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers the subject matter of claims 5-7 as being allowable if rewritten in independent form.

Claim for Priority

It is gratefully acknowledged that the Examiner has recognized Applicant's claim for foreign priority. In view of the fact that Applicant's claim for foreign priority has been perfected, no additional action is required from Applicant at this time.

Drawings

The Official Draftsperson has not approved the Formal Drawings submitted by Applicant. Furthermore, the Examiner has not indicated whether the Formal Drawings have been accepted. It is respectfully submitted that the drawings comply with the requirements of the USPTO. If either the Examiner or the Official Draftsperson has any objections to the Formal Drawings, it is respectfully requested that the undersigned be contacted as soon as possible so that appropriate action may be taken. No further action is believed to be necessary unless the undersigned receives an indication otherwise from the Official Draftsperson or the Examiner.

Rejection Under 35 U.S.C. § 112

Claims 7 and 8 stand rejected under 35 USC § 112, second paragraph, because there is insufficient antecedent basis for "said first condition" in claim 7. Applicant respectfully submits that the above amendment to claim 7 addresses this situation, such that sufficient antecedent basis is provided for each feature in the claim. Therefore, the Examiner is respectfully requested to withdraw this rejection.

Rejection Under 35 U.S.C. § 102

Claims 1, 9, 11, 12, 30, 33, and 34 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 4,445,767 to Kawazoe (hereinafter Kawazoe). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Independent claims 1 and 30 have been amended to recite that the predetermined photographing condition "relat[es] to at least one of an expression and characteristic feature of an aimed object in the image of the subject." Applicant respectfully submits that such amendments do not add any new matter to the present application. Rather, Applicant respectfully submits that these amendments are fully supported in the specification in *inter alia*, page 20, line 1 - page 21, line 26. This portion of the specification describes storing photographing conditions that relate to various exemplary expressions and characteristic features, including: a person is looking at the camera, a person is not blinking, a person is smiling, a person does not have red-eye, etc. It should be noted that the above is merely a list of examples of the expressions and characteristic features covered by the present application, and such list is by no means exhaustive.

In page 3 of the Office Action, the Examiner asserts that Kawazoe anticipates the claimed predetermined photographing condition by disclosing "preset distance position/in-focus state." However, Applicant respectfully submits that claims 1 and 30 now recite the photographing condition as "relating to at least one of an expression and characteristic feature of an aimed object." As such, it is respectfully submitted that the claimed condition storing unit and timing signal generator in claims 1 and 30 are distinguished from the teachings of Kawazoe, relied upon by the Examiner.

At least for the reasons set forth above, Applicant respectfully submits that independent claims 1 and 30 are allowable over Kawazoe. Furthermore, it is respectfully submitted that claims 9, 11, 12, 33, and 34 are allowable at least by virtue of their dependency on claims 1 and 30. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Claim 13 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,351,286 to Ikami et al. (hereinafter Ikami). This rejection is respectfully traversed.

In page 4 of the Office Action, the Examiner asserts that Ikami teaches the claimed predetermined photographing condition as "exposure time." Without conceding that the Examiner has

correctly interpreted the teaching of Ikami, it is respectfully submitted that the Examiner does not assert that Ikami teaches a photographing condition relating to an expression or characteristic feature of an object in the image, as required by amended claim 1. Furthermore, by virtue of its dependency on claim 1, claim 13 incorporates each feature recited in claim 1.

Thus, it is respectfully submitted that the Examiner has failed to provide a teaching in Ikami of each claimed feature in claim 13. It is respectfully submitted that claim 13 is allowable, at least for this reason. Thus, reconsideration and withdraw of this rejection is respectfully requested.

Rejection Under 35 U.S.C. § 103

Claims 2-4, 14, 15, 31, 32, 35, and 36 stand rejected under 35 USC § 103(a) as being unpatentable over Kawazoe in view of U.S. Patent No. 5,619,264 to Yoshimura et al. (hereinafter Yoshimura). Applicant respectfully submits that Yoshimura fails to remedy the deficiencies of Kawazoe set forth above in connection with independent claims 1 and 30. Therefore, it is respectfully submitted that claims 2-4, 14, 15, 31, 32, 35, and 36 are allowable at least by virtue of their dependency on claims 1 and 30. Thus, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawazoe in view of U.S. Patent No. 5,946,506 to Uematsu (hereinafter Uematsu). It is respectfully submitted that Uematsu fails to remedy the deficiencies of Kawazoe, which are discussed in connection with independent claim 1. Therefore, Applicant respectfully submits that claim 10 is allowable at least by virtue of its dependency on claim 1. The Examiner is respectfully requested to reconsider and withdraw this rejection.

Conclusion

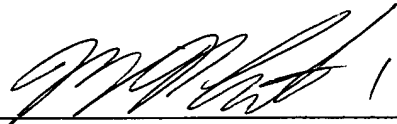
In view of the above Amendments and Remarks, it is respectfully submitted that the claims are now in condition for allowance. Accordingly, the Examiner is respectfully requested to reconsider the various rejections and issue a Notice of Allowance in connection with the present application.


Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned in order to discuss the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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